

6 54. (Amended) The method of Claim 43 which comprises administration of an antibody having as its variable light and heavy chain sequences the amino acid sequence contained in SEQ ID NOs:6 and 8 respectively.

E2 7 55. (Amended) The method of Claim 43 which comprises administration of an antibody having as its variable light and heavy chain sequences the amino acid sequence contained in SEQ ID NOs:10 and 12 respectively.

REMARKS

Status Summary

Claims 41-55 are pending in the application and have been examined. Claims 41-42 and 44-55 are rejected under 35 U.S.C. § 112, second paragraph, based on the assertion that the claims are not enabling. Claims 41 and 44-55 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite.

Claims 41-42 and 44-49 have been canceled. Claims 43 and 53-55 have been amended. Attached hereto is a marked-up version of the changes made to claims 43 and 53-55. The attached Appendix is captioned "Version With Markings To Show Changes Made." No new matter has been added by the amendment. It is believed that the application is now in condition for allowance, and reconsideration of the application as amended is respectfully requested.

Rejection of Claims Under 35 U.S.C. § 112, First Paragraph

Claims 41-42 and 44-55 are rejected under 35 U.S.C. § 112, second paragraph as allegedly failing to enable one how to make and use the invention commensurate in scope of the claims. In the view of the Patent Office, methods of treating autoimmune disease are unpredictable, particularly in cases where a T cell response is already established. Office Action, at pages 2-4. The Patent Office states the disclosed methods are enabled with respect to treating psoriasis. Office Action, at page 4, ¶ 7.

Applicants respectfully traverse this rejection on the belief that claim 41 fully meets the enablement requirement of 35 U.S.C. § 112, first paragraph. Claims 42 and 44-55 ultimately depend on claim 41, and these claims are also believed to meet the statutory enablement requirement for patentability.

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Claims 41-42 and 44-49 have been canceled. Claim 43 has been rewritten in independent form. Claims 53-55 have been amended to depend from claim 43. The claim cancellations and amendments are requested to facilitate allowance of claims directed to methods for treating psoriasis and are expressly void of any statement or suggestion by applicants that pending claims 41-42 and 44-55 are not enabled. Applicants reserve the right to present the subject matter of canceled claims 41-42 and 44-49 in a continuation or divisional application claiming priority to the instant application.

Based on the foregoing, applicants respectfully request that the rejection of claims under 35 U.S.C. § 112, first paragraph, be withdrawn. Allowance of claims 43 and 50-55 is also respectfully requested.

Rejection of Claims Under 35 U.S.C. § 112, Second Paragraph


Claims 41 and 44-55 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite in the recitation of “a method of treatment that comprises blocking the B7.1/CD28 interaction in a subject in need of such treatment.” Specifically, the Examiner suggests that the critical therapeutic endpoints are unclear. Office Action, at page 5, ¶ 2.

Claims 41-42 and 44-49 have been canceled, and thus the rejection of claims 41-42 and 44-49 under 35 U.S.C. § 112, second paragraph, is rendered moot.

Claim 43 has been rewritten to independent form, and claims 53-55 have been amended to depend from claim 43. Claim 43 has also been amended to recite “whereby a subject having psoriasis is treated” so as to clearly set forth that the endpoints of the treatment recited. Support for the amendment can be found at least at page 31, lines 20-25 of the application as originally filed. Claims 50-55, which depend from claim 43 now also clearly set forth that the endpoints of the treatment recited. Thus, withdrawal of the rejection of claims 50-55 under 35 U.S.C. § 112, second paragraph, is respectfully requested. Allowance of claims 50-55 is also respectfully requested.

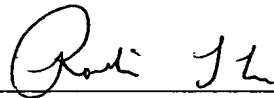
Conclusion

All rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited. If any points remain in issue, which the Examiner feels may be best resolved through a personal



or telephone interview, he is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,
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Enclosure: Appendix

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APPENDIX: VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims were amended as indicated below. Deleted text is included in brackets ([]) and added text is underlined.

43. (Amended) A method of treatment that comprises blocking the B7.1/CD28 interaction in a subject [in need of such treatment] having psoriasis, by administering an anti-B7.1 antibody selected from the group consisting of antibodies having the same epitopic specificity as (i) an antibody having as its variable light sequence and variable heavy sequence the amino acid sequence of SEQ ID NO:2 and SEQ ID NO:4 respectively; (ii) an antibody having as its variable light sequence and variable heavy sequence the amino acid sequence of SEQ ID NO:6 and SEQ ID NO:8 respectively; and (iii) an antibody having as its variable light sequence and variable heavy sequence the amino acid sequence of SEQ ID NO:10 and SEQ ID NO:12 respectively, whereby a subject having psoriasis is treated.

53. (Amended) The method of Claim [41] 43 which comprises administration of an antibody having as its variable light and heavy chain sequences the amino acid sequence contained in SEQ ID NOs:2 and 4 respectively.

54. (Amended) The method of Claim [41] 43 which comprises administration of an antibody having as its variable light and heavy chain sequences the amino acid sequence contained in SEQ ID NOs:6 and 8 respectively.

55. (Amended) The method of Claim [41] 43 which comprises administration of an antibody having as its variable light and heavy chain sequences the amino acid sequence contained in SEQ ID NOs:10 and 12 respectively.

